

Texas Commission on Environmental Quality (TCEQ)
Office of Air
Tax Relief for Pollution Control Property Advisory Committee
November 17, 2015
10:00 A.M. – 10:24 A.M.

Minutes

Opening Remarks

1. Mr. Bob Adair called the meeting to order at 10:00 A.M.
2. All committee members were present except for Mr. Mike Nasi and Dr. Cyrus Reed.
3. Mr. Adair re-stated the public comment policy. No action was taken.
4. No general comments were received from committee members or staff.

Status on Appointment or Reappointment of Advisory Committee members with terms expiring in 2015

Ms. Shelley Naik, TCEQ staff, explained that the terms of six members were expiring. These members are Mr. Paul Coon, Mr. Lloyd Graham, Mr. Don Lee, Mr. Greg Maxim, Mr. Mike Nasi, and Dr. Cyrus Reed. The agency received seven applications. All six members reapplied. The additional application was for one of the industry positions. The TCEQ Executive Director's recommendations will be submitted to the commission on November 20 and will be on the December 9 commission agenda.

Election of 2016 Chair (presiding Officer) of Advisory Committee as required by Article 3, Section 2 of the Advisory Committee bylaws

Mr. Bob Adair opened this item for discussion. A suggestion was made that since there could potentially be a new member of the committee that the election should not occur until after the December 9 commission agenda. After additional discussion the committee decided to proceed with the election. A nomination for Mr. Adair was made and seconded. No other nominations were proposed. Mr. Adair was re-elected.

Discussion of "meet or exceed" in §11.31(b) – continuation from 8/31/15 meeting (excluding items 1(a) and 2 of attachment to 3/6 meeting minutes)

This issue was initially presented to the committee by Mr. Mike Nasi who was unable to attend the meeting or participate via the conference call. The item was left pending.

Other

1. Old Business

Mr. Bob Adair mentioned that the required three-year review of the Tier I Table and the Expedited Review List would occur in 2016. Rulemaking would be required only to implement changes. Mr. Charles Allred requested clarification about the removal of partial percentages from the Tier I Table. Mr. Ron Hatlett, TCEQ Staff, explained that during previous rulemaking it was determined that information used to calculate partial percentages for items on the list was either out-of-date or no longer valid. The partial percentages were then removed from the list. If during an upcoming review process it is determined that there are items where the review will always lead to the same partial percentage those items could be added to the list.

2. New Business

Mr. Don Lee requested an update on the litigation related to the negative determinations for applications containing Heat Recovery Steam Generators. Mr. Don Redmond, TCEQ Legal Staff, explained that there were 12 lawsuits assigned to five judges. Legal briefs

have been filed for the suit concerning the two Brazos Electric Co-op applications. There will be a hearing on the merits of this suit on December 16.

Mr. Charles Allred brought forth a concern from some applicants that the TCEQ's application review process was difficult to navigate in particular when responding to notice of deficiency (NOD) letters. Mr. Hatlett responded that over the previous year the TCEQ had conducted four training seminars that specifically addressed how to respond to an NOD and that during the application review process staff were available to answer any questions an applicant may have.

3. *Other General Comments from the Public*

None

Action Items

TCEQ staff will post the recommendations for committee member appointments on the Advisory committee section of the Tax Relief web page on November 20.

Adjourn

The meeting adjourned at 10:24 A.M.